

RECEIVED
CENTRAL FAX CENTER

SEP 29 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: New)	Art Unit: 2189
)	
Serial No.: 10/674,081)	Examiner: Peikari
)	
Filed: September 29, 2003)	HSJ920030174US1
)	
For: LOG-STRUCTURED FILE SYSTEM FOR DISK)	September 29, 2008
DRIVES WITH SHINGLED WRITING)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This Reply Brief is submitted in response to the Supplemental Examiner's Answer dated September 19, 2008, alleging on page 34 that it is responding to the "new issue" raised in the Reply to the effect that Appellant now states that "parity is not an error correction concept but an error detection concept" and descending further into the rabbit hole of "ECC parity" from which the examiner seemingly cannot extricate himself, although the lifeline he seeks is in his own Answer.

Specifically, in the last line of page 34 continuing to page 35 the examiner places on the written record that "parity" indeed is an error detection concept only. Notably, this concedes Appellant's arguments related to patentability.

The examiner then proceeds to admit on the written record that such error detection was "almost universally used to facilitate a subsequent error correction", but that since he personally has never seen the

1189-14.RP2

RECEIVED
CENTRAL FAX CENTER

SEP 29 2008


CASE NO.: HSJ920030174US1
Serial No.: 10/674,081
September 29, 2008
Page 2PATENT
Filed: September 29, 2003

two admittedly well-known terms of art, ECC and parity, used together than it cannot have meaning absent a definition in the specification.

If parity is admittedly for error detection, and that detection "almost universally" was used for error correction presumably using some sort of code, then "ECC parity" cannot be deprived of the plain meaning it has of referring to parity used for error correction. Perhaps the examiner believes that use of the two terms together is redundant; however, he has admitted that parity was "almost universally" and hence not *always* used for correction, so "ECC parity" plainly is not redundant.

At the risk of beating a dead horse, no one - not the examiner, not the conferees, and now not even the Group Director - has bothered to comply with the analysis of MPEP §2173.02 in trying to carry this Section 112 rejection. Appellant assumes that the MPEP is there for a reason and it is not intended to be ignored when the agency officials who wrote it find it inconvenient.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1189-14.RP2